

Notice of Allowability	Application No.	Applicant(s)	
	10/601,729	SPRINKLE ET AL.	
	Examiner	Art Unit	
	CLINTON OSTRUP	3771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed May 4, 2009 and the telephonic interview 7/10/09.
2. ☒ The allowed claim(s) is/are 1,4,5,26-33,35 and 36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>Attached</u> . 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|--|

/Clinton Ostrup/
Examiner, Art Unit 3771

/Justine R Yu/
Supervisory Patent Examiner, Art Unit 3771

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Kenneth Smith on July 8, 2009.
3. The application has been amended as follows:

Claim 1. (Currently Amended) A mask including: a shell; a cushion connected with said shell; said shell having a side wall; a retaining ring permanently secured to the shell inside said side wall, said side wall and said retaining ring defining a gap between said side wall and said retaining ring, said gap extending around said shell, wherein said retaining ring has a notch in cross- section; wherein said shell includes a plurality of projecting posts, and said retaining ring includes a plurality of sleeves receiving said posts to permanently secure said retaining ring inside said side wall of said shell; said cushion having a side wall with an outer peripheral edge portion including a tongue extending around said cushion, said tongue having a retaining flange that extends transverse to the tongue in cross-section; said retaining flange of said cushion tongue and said notch of said retaining ring being configured such that said tongue is repeatably insertable into said gap while the retaining ring is secured to the shell so that the retaining flange of the tongue engages the notch of the retaining ring to secure said

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cushion to said shell and the retaining flange of the tongue is repeatably removeable from the notch of the retaining ring while the retaining ring is secured to the shell to remove the cushion from the shell.

Claim 3. (Canceled).

Claim 30. (Currently Amended). The mask of claim [[3]] 1 wherein said sleeves are heat staked on said posts to permanently secure the retaining ring to the shell.

Claim 35. (Currently Amended). A method of assembling, cleaning, and reassembling a mask comprising: securing a retaining ring to a shell inside a side wall of the shell to define a gap and a notch between said side wall and said retaining ring that extends around the shell; inserting a tongue of the cushion into said gap while the retaining ring is secured to the shell so that a retaining flange that extends transverse to the tongue engages the notch to secure said cushion to said shell; a retaining ring permanently secured to the shell inside said side wall by sleeves that are heat staked on posts; removing the tongue and retaining flange from the gap and notch while the retaining ring is secured to the shell to remove the cushion from the shell; cleaning said cushion; inserting the tongue of the cushion into said gap while the retaining ring is secured to the shell so that the retaining flange of the tongue engages the notch to resecure said cushion to said shell.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLINTON OSTRUP whose telephone number is (571)272-5559. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Clinton Ostrup/
Examiner, Art Unit 3771

/Justine R Yu/
Supervisory Patent Examiner, Art Unit 3771